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BILL NO. \_\_\_\_\_

SUMMARY: A liquor and gaming ordinance to amend Title 8, Chapter 8.04, Section 8.04.070 to eliminate drug store as a suitable location for a gaming license.

ORDINANCE NO. \_\_\_\_\_  
(of Clark County, Nevada)

AN ORDINANCE FOR TO AMEND TITLE 8, CHAPTER 8.04, SECTION 8.04.070 TO INCLUDE DRUG STORES AMONG THE LIST PLACES OR LOCATIONS FOUND AND DECLARED TO BE UNSUITABLE FOR A GAMING LICENSE; TO ALLOW DRUG STORES WITH GAMING LICENSES AS OF JANUARY 1, 2011 TO MAINTAIN THEIR GAMING LICENSE AS LONG AS THE APPLICANT REMAINS SUITABLE, HOWEVER, THE GAMING LICENSE WILL AUTOMATICALLY EXPIRE UPON CHANGE OF LOCATION OR CHANGE OF OWNERSHIP; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, SITTING AS THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 8, Chapter 8.04, Section 8.04.070 of the Clark County Code is amended as follows:

**8.04.070 - Unsuitable locations.**

The board may deny any application for a gaming license if it deems the place or location for which the license is sought to be unsuitable for the conduct of gaming.

(A) Without limiting the generality of the foregoing, the following places or locations are presumed to be unsuitable:

(1) Establishments located within a fifteen hundred foot radius of churches, except where a church is located subsequent to August 1, 1990, within a gaming enterprise district as defined in Title 30 of this code, entries to school property (gates, doors, driveways, etc.) and the outside edge of children's public playgrounds (schools are defined in Section 8.20.450(c)) and churches are defined in Section 8.20.450(d);

(2) Premises located within a one-thousand-five-hundred-foot radius of a military or naval reservation camp;

(3) Premises located in a place where gaming is contrary to a valid county zoning ordinance, unless the premises qualifies for a nonconforming use under applicable zoning law;

(4) Premises difficult to police;

(5) Premises located within a two hundred fifty foot radius of adult-oriented businesses as defined in Title 30;

(6) Premises which would or may tend to create a public nuisance.

The above restrictions shall apply to all new locations unless the location is found to be suitable for licensing by the board after a public hearing and a determination that the public health, safety and welfare will not be impaired. The above restrictions shall not apply to any location that has been previously licensed unless and until the location remains without gaming licensure for a period of eighteen consecutive months.

The fifteen-hundred-foot distance restriction under subsection (A)(1) of this section shall apply to applications filed subsequent to July 1, 1988. All complete applications filed on or before July 1, 1988, shall be subject to a five hundred foot distance restriction.

(B) Without limiting the generality of the foregoing, the following places or locations are found and declared to be unsuitable:

- (1) Laundromats;
- (2) Bakeries, donut shops and any retail store except grocery stores, gift stores, [drugstores,] package liquor stores, billiard parlors and convenience stores as defined in Section 8.20.020;
- (3) Movie theaters and professional offices; and
- (4) Category 2 restaurants as defined in Section 8.20.020.

Businesses listed above which are licensed for slot machines as of February 29, 1988, are deemed nonconforming Class A slot machine locations and may be allowed to:

- (a) Renew and allow the change of ownership of licenses unless the nonconforming location remains without gaming licensure for a period of twelve consecutive months; such places or locations listed above may not be expanded or enlarged beyond the number of slot machines licensed and in operation as of October 30, 1992. Upon an applicant/licensee receiving the administrative approval of the chairman of the Nevada State Gaming Control Board, a place or location listed above as unsuitable that was previously licensed for slot machines as of February 29, 1988, may be granted an additional twelve consecutive months of closure for total period of not more than twenty-four consecutive months by the Liquor and Gaming Licensing Board upon a showing of good cause and a showing that the nature and quality of the primary business of the establishment

has not materially changed, and that the number of slot machines operated at the establishment has not been increased.

(b) Change their licensed location to any otherwise suitable location upon a showing of being a licensee in good standing who has been subjected to an act of condemnation, sale of the licensed location property to the county for airport purposes, or sale of the licensed location property to the county for county road improvement purposes and good cause is found as determined by the liquor and gaming licensing board subject to the restrictions of subsection (A) of this section.

(c) Change their licensed location to any otherwise suitable location within the same shopping center upon a showing of being a licensee in good standing, who has been requested to change locations within the shopping center by the landlord for renovation, and good cause is found as determined by the liquor and gaming licensing board subject to the restrictions of subsection (A) of this section.

(C) Supper Clubs. Without limiting the generality of the foregoing, as of December 18, 1992 supper clubs may be licensed for Class A slot machines not to exceed the operation of a total of five or fewer slot machines. Supper clubs licensed for slot machines prior to December 18, 1992 shall be deemed nonconforming, and shall continue to be subject to license renewal so long as the applicant remains suitable. If the premises are not licensed for gaming over eighteen consecutive months, the premises are no longer deemed conforming and will be limited to a total of five or fewer slot machines. Such nonconforming license may not be expanded or enlarged beyond the number of slot machines and coin-operated gaming devices licensed and in operation on December 18, 1992.



(D) Regional Transportation Commission Public Transit Transfer Terminal.

Without limiting the generality of the foregoing, an applicant may be granted a Class A slot machine license where they are authorized through lease or other arrangement with the Regional Transportation Commission of Southern Nevada for operations in public transit transfer terminals owned or leased by the Regional Transportation Commission. For the purposes of this section, bus stops and monorail facilities do not meet the definition of "public transit transfer terminal" and therefore are not suitable for a gaming license. Unless otherwise defined, a "public transit transfer terminal" means a facility owned or leased by the Regional Transportation Commission of Southern Nevada where public transit services, excluding monorail, provide either a transfer point between two or more bus routes, or a transfer point between different modes of transportation.

(E) Drug Stores. Drug Stores issued a Class A Slot Machine License prior to January 1, 2011 shall be deemed nonconforming, and shall continue to be subject to license renewal so long as the applicant remains suitable. The nonconforming status shall immediately terminate upon a change of ownership or change of location.

SECTION 2. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication thereof by title only, together with the names of the County Commissioners voting for and against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the \_\_\_\_ day of \_\_\_\_\_, 2010.

PROPOSED BY: Commissioner \_\_\_\_\_

PASSED on the \_\_\_\_ day of \_\_\_\_\_, 2010.

AYES: \_\_\_\_\_

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NAYS: \_\_\_\_\_

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ABSTAINING: \_\_\_\_\_

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ABSENT: \_\_\_\_\_

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THE LIQUOR AND GAMING  
LICENSING BOARD OF CLARK  
COUNTY, NEVADA

BY: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2010.